

IN BOARD OF SELECTMEN
TUESDAY, DECEMBER 5, 2006

Present: Chairman William J. Keller, Jr., Vice-Chairman John C. Drobinski, Selectman Lawrence O'Brien, and Maureen Valente, Town Manager

The statutory requirements as to notice having been complied with, the meeting was convened at 7:50 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:50 p.m., Chairman Keller began the meeting and welcomed everyone back after the Thanksgiving holiday.

Public Hearing: Tax Classification

Present: Maureen Hafner, Director of Assessing, Cynthia Gerry, Assistant Director of Assessing, Liam Vesely, Chairman of the Board of Assessors, Trevor Haydon and Joshua Fox, members of the Board of Assessors

At 7:50 p.m., Chairman Keller opened the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2007 tax rate. He stated the notice was duly posted, circulated and advertised in the *MetroWest Daily News* on November 27 and the *Sudbury Town Crier* on November 30, 2006.

Mr. Vesely introduced Ms. Hafner, who proceeded with the presentation of data. Ms. Hafner distributed informational booklets containing present and historical information. She also explained that the Board will need to discuss whether or not to allow a residential property exemption, a small commercial exemption, or an open space exemption. She reviewed the five classes for valuation as: residential, open space, commercial, industrial and personal property. Ms. Hafner also provided the percent change for each from the FY 2006 values to the FY 2007 values. The total FY 2007 levy limit is \$52,260,286.

Ms. Hafner clarified that the Board of Assessors is required to use sales market data from 2005 and the valuations as of January 1, 2006 to create the database. Data presented indicated that assessments increased from \$3,956,930,561 to \$4,231,531,337 from last year to this year.

Chairman Keller presented a default scenario, which supposed that the Board did nothing except to divide the tax levy into all the values to determine the tax rate.

Discussion next focused on whether properties that have no buildings on them and/or lots which are for sale should be given an open space discount. In response to a question from Chairman Keller, Ms. Hafner stated that since there are no properties designated in Town as open space, no revenue from such taxes is generated.

It was on motion unanimously

VOTED: To not grant an open space tax exemption.

The Board next reviewed the need for a residential exemption, which would designate a reduced value to all properties that have a dwelling in which the person who owns the property also resides. Ms. Hafner presented the formulas used for calculations, which would result in a \$131,000 deduction from each eligible valuation and thereby, create a much higher tax rate of \$16.24 versus the \$13.10 rate, which more fairly distributes the levy to all classes.

Ms. Hafner noted that one of the ways the Town compensates for new residents to be taxed appropriately is by charging a certificate of occupancy tax for the first year of residence to offset the costs of additional Town services that are used, but would otherwise not be recouped for a much longer period of time.

Listings of communities which have adopted exemptions were reviewed and discussed. The Board strongly stated that equity is key in its deliberation process and does not support shifting the burden to the remainder of a class to offset a discounted group.

It was on motion unanimously

VOTED: To not grant a **residential exemption**.

Discussion regarding small commercial exemptions determined that not enough data was available regarding the number of small business which operate in condominium locations. The Board requested that Ms. Hafner and the Board of Assessors begin to track the number of office condominiums in Town to determine how many of them have small businesses, which would qualify for such a discount, so that this information can be evaluated in next year's discussion. The Board also clearly stated its inclination to support small businesses as much as possible. Thus, small business owners were encouraged to contact the Board if they feel the need for this kind of tax relief.

Vice-Chairman Drobinski noted that only seven communities in Massachusetts have the commercial exemption.

It was on motion unanimously

VOTED: To not grant a **small commercial exemption**.

A thorough dialogue ensued regarding aspects of setting the residential factor for the residential class, including discussion of the Massachusetts Chapter 200 limit for Sudbury for the maximum amount to be shifted this year to the Commercial, Industrial and Personal Property (CIP) classes as a factor of 175%. Historical data was reviewed and Vice-Chairman Drobinski noted that since 1997, the Board has kept the tax increases as equally distributed as possible between the residential and commercial classes.

Ms. Hafner explained that if the same 155% CIP shift is used for FY 2007, the residential tax increase will be 2.6% and the commercial/industrial tax increase will be 5.3%.

Since residential values have decreased in calendar 2006, Selectman O'Brien questioned whether there were factors which could be taken into consideration this year so as to mitigate a dramatic tax increase next year. All agreed that there are too many unknown variables at this time in order to predict/forecast next year's scenario.

Vice-Chairman Drobinski expressed his preference and the Board's precedent as keeping the residential and commercial tax increase percentages as uniform as possible so as to be fair to all classes. Chairman Keller concurred with this equitable philosophy of sharing the tax burden.

Ms. Hafner commended the Board on its careful and thoughtful deliberation of these issues, which she has not always experienced previously in other communities.

It was on motion unanimously

VOTED: To set the Residential Factor at 96.978 with a CIP shift of 1.50, with an estimated average residential tax bill increase of 2.9% and an average commercial tax bill increase of 1.9%, pending certification by the State Department of Revenue.

Mr. Vesely thanked Ms. Hafner and Ms. Gerry for the tremendous job they did to collect and coordinate the necessary information. Town Manager Valente added her gratitude to Ms. Hafner and Ms. Gerry as well for their efficient and professional work during a challenging reevaluation year. Ms. Valente noted it was great to have actual tax bills ready for distribution by December 31, instead of having to distribute estimated bills.

At 9:20 p.m., the Board concluded its discussion and thanked the Board of Assessors and Ms. Hafner and Ms. Gerry for their presentation and hard work.

Public Hearing: Temporary Construction Trailers & Sales Trailer Permit Extensions - Capital Group Properties

Present: William DePietri, Principal, Capital Group Properties

At 9:20 p.m., Chairman Keller opened the Public Hearing to discuss the request by Capital Group properties to extend the sales trailer permit and the construction trailers permits.

Mr. DePietri provided the Board with a brief update on the project. He said that the roads are paved, some landscaping has been completed, and the first owner-financial closing was held last week. He also stated that all abutter concerns regarding the trailers have been satisfied.

Town Manager Valente reported all appropriate Town officials have been consulted and have no concerns regarding the request.

It was on motion unanimously

VOTED: To extend the approval, which expired on November 15, 2006, for placement of temporary construction trailers known as Trailers #2 and #4, as proposed on revised plans dated October 25, 2005, relative to the Mahoney Farms Senior Residential Project, 30 Nobscot Road, by Capital Group Properties, to October 31, 2007 and to extend the approval for the sales trailer permit through July 2007 as requested on November 6, 2006 by Martin Loiselle, Permitting/Development Manager of Capital Group Properties.

Solid Waste Management Options Committee (SWMOC) - Applicant Interview

Present: John Pearson, Solid Waste Management Options Committee (SWMOC) Applicant

Chairman Keller welcomed the candidate to be interviewed for the newly-formed Solid Waste Management Options Committee (SWMOC). This Committee will advise the Board on Town options in making solid waste disposal decisions. The Committee will gather, study and evaluate pertinent information and submit preliminary and final reports to the Board of Selectmen containing recommendations and conclusions. The Committee shall have nine voting members, all to be appointed by the Board of Selectmen, for terms not to exceed two years from the date of appointment. The Director of Public Works, or designee, will serve as a liaison to the Committee. The Committee will elect a chair and clerk and will conduct all its activities in compliance with all relevant state and local laws.

John Pearson, 34 Whispering Pine Road, stated he would like to become more involved with the Town.

He has lived in Sudbury for 12 years. Mr. Pearson believes his experience and skills could be helpful to the committee. He has contributed his time in many volunteer positions for the Town as does his wife, who chairs the Rail Trail Conversion Advisory Committee. Mr. Pearson firmly stated he has no preconceived notions as to what system(s) is best for the Town and is willing to work to determine the best recommendations. Mr. Pearson uses a private hauler for trash and also uses the transfer station for recycling. He has observed how busy the transfer station is and believes it works well.

Vice-Chairman Drobinski cautioned Mr. Pearson that this is a very controversial topic in Town and that the Committee will be closely scrutinized by the public. Mr. Pearson is confident he will be able to handle that pressure.

At 9:30 p.m., Chairman Keller thanked the applicant for his interest and informed him that at the conclusion of all interviews, the Board will deliberate and vote on appointments and notify all candidates regarding selection. The Vice-Chairman also commended Mr. Pearson and his wife for participating in the Town's volunteer positions.

State Representative Thomas Conroy - Meet and Greet

Present: State Representative Thomas Conroy

At 9:30 p.m., Chairman Keller welcomed State Representative-Elect Thomas Conroy, who will represent Sudbury, Lincoln and Wayland. The Chairman invited Mr. Conroy to tell the Board about his background and goals.

Mr. Conroy noted how appreciative he was of Susan Pope's previous service, dedication and accomplishments. He aspires to maintain, and exceed, the high standards of responsiveness and dedication to the community set by Ms. Pope.

Mr. Conroy grew up in Connecticut and then traveled to Washington, D.C. for schooling. Already interested in elective politics, he worked for senators in Washington and later for a State Department contractor in Southeast Asia. Mr. Conroy later returned to Washington, D.C. and completed his Master's Degree in International Economics. In the mid-1990s, Mr. Conroy moved to Boston and worked for many state agency initiatives such as helping improve services for foster children and children from unstable homes. Mr. Conroy eventually moved into the private sector and has been working for Marsh & McLellan Companies for the past six years. Mr. Conroy, his wife and four children live in Wayland.

Mr. Conroy expressed his interest in working with the Board and Town Manager to learn more about Sudbury and the topics which matter most to its citizens. He considers himself more focused on results than partisan politics. Throughout the campaign, he heard citizens express that taxes are too high and that they want a strong advocate on Beacon Hill to help bring money back to the town level. Mr. Conroy recognizes the competition that exists for State funds between the cities and the suburban towns. He hopes to work with State leadership to better bring the concerns of the suburbs to the forefront.

In response to a question from Selectman O'Brien, Mr. Conroy stated he has met with the chairs of a few legislative committees and will meet with the Speaker of the House this Thursday to finalize his preferences. He is interested in financial services, economic development and emerging technologies, revenue and public service committees and hopes to be appointed to one where his skills and experience can be of service.

Selectman O'Brien and Vice-Chairman Drobinski urged Mr. Conroy to remind State leaders that towns like Sudbury provide a lot of money to the Commonwealth and would like a fair return on their investment. Selectman O'Brien also suggested that a worthy goal for Mr. Conroy to pursue would be to return to the

Board in a few years and say he never voted for an initiative that did not have full funding sources for the duration of the program. Often times it was noted, programs are not appropriately funded and cities and towns are expected to fund the deficits.

Vice-Chairman Drobinski urged Mr. Conroy to champion elder affairs, including tax relief programs and better medical coverage to help seniors stay in their homes, education and public works programs and environmental issues to help protect and improve water and air quality.

Chairman Keller reinforced that healthcare insurance costs are "breaking the backs" of most towns. Mr. Conroy agreed with the severity of the problem, which forces the burden onto individual property taxes to cover what many believe is a federal crisis.

Town Manager Valente assured Mr. Conroy that she and her staff will provide as much information to him so as to better acquaint him with the needs of Sudbury and promised to maintain open communications between their offices.

Mr. Conroy is optimistic about the newly-elected Governor and believes their interests are aligned. He hopes the change will provide a new dynamic on Beacon Hill for accomplishment and hopes to seize the opportunity ahead.

At 10:00 p.m., the Board thanked Mr. Conroy for coming and stated it looks forward to the opportunity of working together for the best interest of the residents.

Minutes

It was on motion unanimously

VOTED: To approve the executive session minutes of October 31, 2006 and the regular and executive session minutes of November 21, 2006.

Registrar of Voters - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Carmine L. Gentile, 33 Surrey Lane, as a member of the Board of Registrars.

Disposal of Town Property - Used Vehicles

It was on motion unanimously

VOTED: To approve the request from I. William Place, Department of Public Works Director, dated November 28, 2006, to dispose by sale or trade the following vehicles, which are in need of substantial repair, in accordance with Town Bylaw Article XII:

- 1) 1987 GMC Bucket Truck (VIN # 1GDL7D1B9HV513127)
- 2) 1988 Trailer (T5) (VIN # 1JK0B3307JA090005)
- 3) 1987 Ford Ranger (VIN# 1FTBR10A2HUB71768), which need substantial repair.

Rubbish Bids - Allied Waste Services

It was on motion unanimously

VOTED: To approve the award of contract by the Town Manager for Calendar 2007 rubbish disposal services to the lowest eligible and responsible bidder, Allied Waste Services of Tyngsborough, MA, based upon the bid for Calendar 2007, dated November 22, 2006, and Town specifications to provide services to the Town and School buildings, with an option to renew.

List of Persons - Fee Increase

The Board was in receipt of documentation provided by Town Clerk Rosemary Harvell, including a survey completed by the Town Clerk's Association, indicating that many towns have increased this fee.

Chairman Keller touted the many uses for the *List of Persons*, including providing informal conversation opportunities since it is arranged geographically and alphabetically and lists occupations and dates of birth. Selectman O'Brien added that the List does not include anyone under the age of 17. Town Manager Valente added that as the Town becomes more focused on local preparedness and develops citizen response teams, this List will be extremely useful. Chairman Keller highlighted that as the winter is upon us, the List can also be a great resource to pinpoint elderly neighbors who may need to be checked upon for needed assistance.

It was on motion unanimously

VOTED: To approve a fee increase for the *List of Persons* publication from the present cost of \$10 to \$20, as requested on November 28, 2006, by Town Clerk Rosemary Harvell, to more adequately cover the cost of publication, which has risen steadily over recent years while the fee has remained constant.

Annual Renewal of Licenses

Town Manager Valente reported that the Building Department and the Fire Department have done a great job completing the Certificates of Inspection. On behalf of the Town, she expressed her gratitude to the licensees, who have diligently cooperated to comply with the mandated inspections and to make necessary corrections. Ms. Valente also reported there are no tax delinquencies this year.

It was on motion unanimously

VOTED: To approve the renewal of Alcoholic Beverages, Common Victualer, Entertainment and Motor Vehicle - Classes 1, 2, and 3 licenses, which expire December 31, 2006, for calendar 2007, as shown on the "Licensee List 2007," attached and incorporated herein; excepting those three licensees which have been asterisked for not submitting completed applications (Sweet Pepper, Inc., Papa Gino's and D'Angelo's); and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.

Michael J. Devlin - Big Daddy Realty Trust - Conservation Restriction

Town Manager Valente relayed the sentiments of Director of Planning and Development Jody Kablack, who urges the Board to approve this request, which has been in progress for a very long time.

It was on motion unanimously

VOTED: To approve the Conservation Restriction, dated October 23, 2006, granted in perpetuity by Michael J. Devlin, Trustee of Big Daddy Realty Trust, u/d/t dated May 1, 1997, recorded at Middlesex South District Registry of Deeds, Bk 27263, Pg361, on a portion of the property located at 736 Boston Post Road, consisting of approximately 33,500 square feet, as shown on sketch plan entitled, "The Frugal Flower Proposed Parking Lot Expansion," dated August 17, 2005, prepared by Hancock Associates.

Doris M. LaScaleia - Portside Realty Trust - Conservation Restriction

Town Manager Valente reported that this request has been approved by Town Counsel and is required by the Order of Conditions granted for this project.

It was on motion unanimously

VOTED: To approve the Conservation Restriction, dated September 29, 2006, granted in perpetuity by Doris M. LaScaleia, on a portion of the property located at 138 Union Avenue, (Parcel 201 and Lot 1 on Town of Sudbury Map J08) identified as "Conservation Restriction" on a plan entitled "Easement & Conservation Restriction Plan, Plan of Land in Sudbury, Mass. Prepared for: Portside Realty Trust," dated December 21, 1999, prepared by Ducharme & Wheeler, Inc., recorded as Plan No. 184 of 2000.

Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project - Inter-Municipal Agreement

Chairman Keller reported a lengthy meeting was held on December 4, 2006 to finalize agreements.

Vice-Chairman Drobinski believes the Inter-Municipal Agreement has progressed well and that a little more time is needed to finalize the Memorandum of Understanding. He stated that all parties need to raise the level of trust throughout the negotiation process in order to bring the Project to fruition, for the sake of Sudbury's young adults.

Chairman Keller added that in follow-up conversations with Jack Ryan of the Lincoln-Sudbury School Committee and the Park and Recreation Commissioner today, they too stated their confidence that all issues will be resolved fairly and amicably. Chairman Keller will keep the Board apprised of the Project's progress. However, since final documents have not been completely agreed to, this agenda item will be rescheduled for another Board meeting.

Maillet & Son, Inc. - Trevor Way - Land Gift

It was on motion unanimously

VOTED: To accept the following interests in land located off TrevorWay (off Horsepond Road), granted by Maillet & Son, inc., and shown on the plan entitled: "Plan of Land of Maillet Estates in Sudbury, Mass.," prepared by Sullivan, Connors and Associates, dated May 2, 2006, rev. October 13, 2006,: 1) Drainage Easement: Drain Easement areas on Lot 1 (5,582 s.f.) and Lot 4 (1,792 s.f.); 2) Utility Easement (jointly

with Water District): 20-foot wide utility easements affecting Lots 2 and 3; subject to Town Council approval of the final documents.

Reports From the Board of Selectmen

Selectman O'Brien commended Town Manager Valente for the thorough and informative Budget Summit she conducted last week. In particular, he noted how evident it was, from the information provided, that some departments do so much with such limited personnel resources. So much is done so well, that he wonders how much more could be accomplished with additional resources. Town Manager Valente agreed that overworking Town Staff with increasing demands and workloads is a significant concern.

Selectman O'Brien also passed along compliments for the Fire Department from a resident whose family experienced a medical emergency at home, which required 911 assistance. The family reported that the Town's new Engine 3 arrived promptly, and, within six minutes, the ill person was being attended to appropriately and transported to the nearest facility. The ill party is well today, and the family is appreciative to the responsiveness of the Fire Department. Ms. Valente will appropriately pass along the positive feedback.

Vice-Chairman Drobinski reported that he and Town Manager Valente attended a Septage Committee meeting on December 4, 2006. Both parties stated that the dialogue will be continued with the DEP. The Town Manager also reported that Sudbury is working very cooperatively with Wayland on the issues.

Chairman Keller reported that the Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project construction plans are in the final stages. The Project has been open to bids and, thus far, the numbers are within the expected range. He will keep the community posted on further Project developments.

Reports From the Town Manager **Middlesex Retirement System**

Town Manager Valente provided the Board with a copy of an article from the November 28, 2006 *Boston Globe* regarding the troubled Middlesex Retirement System. Ms. Valente added that the respective Town Managers for the communities involved have been quite concerned about the practices of the fund since 2003. Control of the System's nearly \$700 million dollars has been shifted and centralized to the State pension fund. This change is expected to reduce investment costs. Ms. Valente is perplexed as to why this story, which has far-reaching ramifications, is not being covered more in the *Globe West* section of the *Boston Globe* and the *Middlesex Daily News*, and she hopes it will receive future coverage. She also is extremely concerned that no correspondence reporting these recent events or the status of the fund has been received by her office or any Sudbury official, or is posted on relevant websites. Ms. Valente reported bringing this issue to the attention of State Representative-Elect Conroy. She believes that the shift to the State pension fund is a major step towards reform, and will report to the Board on future developments.

It was on motion unanimously

VOTED: To authorize the Town Manager to send a letter to the Middlesex Retirement System, requesting that Sudbury begin to receive quarterly reports, including a breakdown of expenses and reporting on where and how the monies are invested, and that copies of this letter be sent to State senators, State representatives and the State Inspector General.

Maple Meadows Temporary Construction Access License

Ms. Valente distributed to the Board copies of a memo dated December 4, 2006, from Director of Planning and Development Jody Kablack to Robert McGinty, which noted many conditions of approval for use of the Feeley Field area have not been met, and must be addressed immediately.

Selectman O'Brien asked that it be reiterated to the developer that all construction vehicles entering and exiting the Feeley Field area must do so using upper Raymond Road to Route 20 and that Woodside, Warren and lower Raymond (below Feeley Field) Roads not be used.

Vice-Chairman Drobinski recommended communicating to the developer that arrangements also be made to provide dust control for abutters since the road consists of sand and gravel.

2007 Annual Town Meeting Warrant Articles

Town Manager Valente distributed a draft of potential warrant articles for the 2007 Annual Town Meeting, which will be reviewed at a subsequent meeting.

Boy Scout Holiday Trees

Town Manager Valente commended the Sudbury Boy Scouts for exemplifying the spirit of the season by contributing 30 trees to the Wayland Boy Scout Troops, who had their trees stolen.

Executive Session

At 10:40 p.m., Chairman Keller announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing expenditures from the Discretionary Fund and litigation.

Chairman Keller announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 10:40 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk